

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

DIVISION: 6

By HON. WARREN R. DARROW

CASE NO. P1300CR20081339

JEANNE HICKS, CLERK

By: Heather Smith, Deputy Clerk

DATE: September 8, 2010

FILED

DATE: 09/08/10

9:19 O'Clock A.M.

JEANNE HICKS, CLERK

BY: HEATHER SMITH

Deputy

TITLE:

STATE OF ARIZONA

(Plaintiff)

Vs.

STEVEN CARROLL DEMOCKER

(D-1)

(Defendant)

COUNSEL:

Yavapai County Attorney (e)

(For Plaintiff)

John Sears (e)

Larry Hammond & Anne Chapman (e)

OSBORN MALEDON, P.A.

(For Defendant)

HEARING ON:

Jury Trial – Day 45

NATURE OF PROCEEDINGS

COURT REPORTER

Roxanne Tarn

START TIME: 9:19 a.m.

APPEARANCES: Joseph Butner, Deputy County Attorney
Jeff Paupore, Deputy County Attorney
John Sears, Counsel for Defendant
Larry Hammond, Counsel for Defendant
Anne Chapman, Counsel for Defendant
Steven Carroll Democker, Defendant in Custody

At 9:19 a.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Nicole Bush is sworn and testifies.

Counsel for State moves for the admission of exhibits 3246 and 3247. Counsel for Defendant has no objection. Exhibits 3246 and 3247 are admitted.

Court offers questions from the Jury Panel.

Court and Counsel meet at sidebar, on the record, outside the presence of the Jury Panel.

Court relays the questions to the witness.

Witness is excused.

Tommy Meridith is sworn and testifies.

Court offers questions from the Jury Panel. Court notes, there are no questions from the Jury Panel. The witness is excused.

This is the time for the morning recess. Court reminds the Jury Panel of the admonition.

At 10:20 a.m., the Jury Panel exits the Courtroom.

Court, Counsel and Defendant remain.

Court informs Counsel of a couple issues which have been discussed prior.

First, the Court will continue with the present jury panel at this time. Second, there seems to still be an issue as to an anonymous email and as to employment records. Court received a pleading from Counsel for Defendant objecting to in camera review requested by Counsel for State. Counsel for Defendant shall provide a copy of the objection to Counsel for State as soon as possible.

Court would like Counsel to make sure all motions and pleadings needing a ruling have been ruled on at this time. Anything still needing a ruling shall be brought to the Court's attention.

Court indicates, it is planning on providing the Jury Panel with a copy of the Preliminary Instructions.

Parties briefly discuss scheduling as to the trial.

At 10:33 a.m., Court takes a recess.

***** Recess at 10:33 a.m. *****

At 10:53 a.m., Court reconvenes with both County Attorneys, all Defense Counsel and the Defendant present outside the presence of the Jury Panel.

Counsel for State indicates at the request of Ann Saxerud, she asked that her son, a witness, not be videoed or filmed and that audio recording not be made of the minor child. The mother does not want rights of privacy taken away.

Court notes, there is an order requiring the altering of any juvenile witness given the age of the witness. The Court Finds the more traditional means of preserving and making a record of testimony to be appropriate, Rule 122 allows for journalist to have their own reporters.

Media crew/and or journalists address the Court.

Court reaffirms Judge Lindberg's previous ruling that all identity must be altered and all voice must be altered as well as to the minor child.

At 11:02 a.m., Court exits the Courtroom.

At 11:06 a.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Counsel for State indicates the parties have stipulated to the admission of exhibit 567. Counsel for Defendant concurs. Exhibit 567 is admitted.

Maxwell Hanson is sworn and testifies.

Counsel for State moves for the admission of exhibit 566. Counsel for Defendant has no objection. Exhibit 566 is admitted.

Court offers questions from the Jury Panel.

Court and Counsel meet at sidebar, on the record, to discuss questions from the witness.

Court relays the questions to the witness.

Witness is excused.

Ann Saxerud is sworn and testifies.

Counsel requests to play exhibit 3001. Exhibit 3001 has only been admitted for the purpose of foundation. Counsel for Defendant objects as to relevance. Exhibit 3001 may be played for the Jury Panel.

Court notes, this is the time for the lunch recess. Court reminds the Jury Panel of the admonition.

The Jury panel shall return at 1:20 p.m.

At 11:59 a.m., the Jury Panel exits the Courtroom.

Court, Counsel and Defendant remain.

Court addresses the media and requests he be provided the names of those who spoke during the earlier session to make the record complete. The names are as follows:

Tom Avila from ABC News

Sara Hulse CBS News

Adam Younker

Court directs Counsel, if either party has a request for variance from the media packet, the Court needs prior notice to consider the issue.

***** Recess at 12:01 p.m. *****

At 1:25 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Ann Saxerud resumes testifying having previously been sworn.

Counsel for State moves for the admission of exhibit 3249. Counsel for Defendant has no objection. Exhibit 3249 is admitted.

Court offers questions from the Jury Panel.

Court and Counsel meet at sidebar, on the record, outside the presence of the Jury Panel.

Court relays the questions to the witness.

Witness is excused, however; is subject to recall.

Court and Counsel meet at sidebar, on the record, outside the presence of the Jury Panel to discuss an issue regarding Ann Saxerud not being excused at this time.

Court notes, it will have to take a short recess at this time. The Jury Panel shall return in 10 minutes.

***** Recess at 1:49 p.m. *****

At 2:01 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Alex Knapp is sworn and testifies.

Witness is excused.

Counsel for State indicated, the next witness is not yet present.

***** Recess at 2:11 p.m. *****

At 2:26 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Detective Pam Edgerton is sworn and testifies.

Counsel for State moves for the admission of exhibit 341. Counsel for Defendant has no objection. Exhibit 341 is admitted.

Counsel for State moves for the admission of exhibit 3250. Counsel for Defendant has no objection. Exhibit 3250 is admitted.

Counsel for State moves for the admission of exhibit 342. Counsel for Defendant has no objection. Exhibit 342 is admitted.

Court notes, this is the time for the afternoon break. Court reminds the Jury Panel of the admonition. All parties shall return in 15 minutes.

***** Recess at 3:19 p.m. *****

At 3:48 p.m., Court reconvenes with both County Attorneys, all Defense Counsel, the Defendant and the Jury Panel present.

Detective Pam Edgerton resumes testifying; having previously been sworn.

Counsel for State moves for the admission of exhibit 2281. Counsel for Defendant has no objection. Exhibit 2281 is admitted.

Detective Pam Edgerton displays exhibit 3251 to the Jury Panel.

Counsel for State moves for the admission of exhibit 344. Counsel for Defendant has no objection. Exhibit 344 is admitted.

Counsel for State moves for the admission of exhibit 346. Counsel for Defendant objects. Foundation has been provided and testimony has been provided. Exhibit is not admitted at this time.

Counsel for State moves for the admission of exhibits 516 and 517. Counsel for defendant has no objection. Exhibits 516 and 517 are admitted.

Counsel for State moves for the admission of exhibit 519. Counsel for Defendant is willing to stipulate to the address of the Defendant, however, believes not all pages of the exhibit should be admitted as pages 2 and 3 are hearsay.

Counsel request a discussion outside the presence of the Jury Panel.

Court addresses the Jury Panel as to the Preliminary Jury Instructions.

Witness is excused at this time for the evening.

Court notes, this is the time for the afternoon recess. The Jury Panel shall return at 9:15 a.m. tomorrow morning, Thursday, September 9, 2010.

At 4:35 p.m., the Jury Panel exits the Courtroom.

Court, Counsel and Defendant remain.

Counsel discuss an issue regarding exhibit 519.

The Court's Ruling with regard to exhibit 519, first page is admissible and the other 2 pages are not admissible. Court notes, the bates numbers of the exhibit are 6373-6374-6375. The exhibit will need to be remarked or a new copy provided for marking.

Parties discuss the issue of having to admit exhibits in small numbers which is taking twice as long rather than being able to admit all photos in a group.

Court indicates, for future witnesses, as far as a number of exhibits, Counsel shall discuss the issue prior to the witness testifying and attempt to come to an agreement to admit photos in a group.

Parties discuss the anonymous email.

Counsel for State requests the Court see the parties at 8:30 a.m., tomorrow morning to discuss the email so that Counsel has time to conduct some research.

At request of Counsel for Defendant, Court clarifies; it was his intention to allow the Jurors to take their notebooks during the lunch hour providing they keep them in the Courthouse and that the Bailiff be available to provide them to the Jury.

Counsel agree, the Jury notebooks should only be available in the Jury room and not be allowed outside of the Jury room and the Courtroom.

Based upon the information, Court will inform the Jury Panel, the notebooks will only be available in the Jury room and the Courtroom.

Court and Counsel discuss employment records and the request for an in-camera interview.

Court adjourns at 5:30 p.m.

cc: Dean Trebesch (Contract Administrator) (PD) (e)
Christopher DuPont, Trautman DuPont PLC,
Counsel for Victims Charlotte and Katherine DeMocker
YCSO – Detention Records (e)
Victim Services (e)
John Napper, Counsel for Renee Girard(e)
Division 6